IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16450 of 2007

Dated: August 3, 2007

Between:

Smt. E. Vijaya Lakshmi, W/o. E. Ramaiah,
Aged 47 years, Occ: Housewife, R/o.33 LIG-II,
B.K. Guda, S.R. Nagar, Hyderabad, and others.

… Petitioners

And

State, rep. by Principal Secretary to Govt.,
Government of Andhra Pradesh, Secretariat,
Hyderabad, and another.

… Respondents

Order:

This writ petition has been filed questioning the action of the respondents in initiating proceedings for acquisition of the land of the petitioners, totally, admeasuring Ac.6.00 guntas in Sy.No.124 of Badangpet village, Saroornagar Mandal, Ranga Reddy District for the purpose of Devathula Gutta Rifle Range for DMRL.

2. Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition appearing on behalf of the respondents.

3. Petitioners herein claim to be the owners and possessors of land admeasuring Ac.2.00 guntas, Ac.3.00 guntas and Ac.1.00 Guntas respectively in the aforesaid survey number and village, having purchased the same under registered sale deeds. After issuing notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') enquiry as contemplated under Section 5 of the Act was conducted and thereafter declaration was published under Section 6 of the Act on 16-06-2007.

4. The grievance of the petitioners is that though they filed objections under Section 5(A)(2) of the Act, the decision of the enquiring authority has not yet been communicated to them and even before such decision, respondents have issued declaration.

5. Learned counsel for the petitioners placed reliance on a judgment of this court *dated 26-06-2007 passed in W.P.No.13302 of 2007* in which the very same notification and declaration were challenged and wherein this court has taken a view that non-communication of the decision taken by the respondents therein on the petitioners' objections constitutes a fatal flaw. Accordingly, the declaration was quashed and respondents were directed to take further steps after decision taken under Section 5(A)(2) of the Act is communicated. Learned Government Pleader submits that the order in *W.P.No.13302 of* 2007 has become final and no appeal has been filed against the same.

6. Having regard to the facts and circumstances and also in view of the judgment of this court referred above, the declaration dated

16-06-2007, issued under Section 6 of the Act is quashed so far as the lands of the petitioners herein are concerned. The second respondent is directed to communicate the decision taken under Section 5(A)(2) of the Act to the petitioners and only thereafter take further steps.

7. The writ petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY.

August 3, 2007
MRR